

CHAPTER NO. 868

SENATE BILL NO. 3928

By Kyle, Bowers

Substituted for: House Bill No. 4045

By McMillan, Harmon

AN ACT to amend Tennessee Code Annotated, Sections 68-102-122, 68-102-123, 68-102-124 and 68-102-125, relative to expenses for the remediation of dangerous conditions of buildings or premises.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-102-122, is amended by deleting the section in its entirety and substituting instead the following:

If a party within thirty (30) days thereafter fails, neglects, or refuses to repay the officer the expense thereby incurred by the officer, the officer may immediately place a lien upon the property for the expenses incurred pursuant to § 68-102-121, together with a twenty-five percent (25%) penalty thereon. Such lien shall be a lien on the property, including the real estate on which the property is located, and the lien shall be superior and prior to all other liens on the property, except a lien for taxes assessed and due the state, county and city wherein the property is located, and vendors' liens.

SECTION 2. Tennessee Code Annotated, Section 68-102-123, is amended by deleting the language of the section in its entirety.

SECTION 3. Tennessee Code Annotated, Section 68-102-124, is amended by deleting the language of the section in its entirety, and substituting instead the following:

The officer is authorized to institute legal proceedings to enforce the lien in any court of record or any general sessions court.

SECTION 4. Tennessee Code Annotated, Section 68-102-125, is amended by deleting the section in its entirety and by substituting instead the following:

Section 68-102-125

(a) In order to make the lien against the property valid and binding, the officer, officer's assistant, or other person entitled to assert the lien shall, however, immediately upon serving the order herein provided, upon any party or parties, including any lienholders of record,

file a copy of the order in the register's office in the county wherein the property is located and cause the same to be registered.

(b) For the registration of the order, the register of any county shall receive a fee authorized for the recording of the documents, such fee to be added to the cost and expense of executing the order.

(c) The copy of the order shall be filed in the register's office of the county wherein the property is located, before or at any time the order is served upon the owner or occupant of the premises, and the order when so filed shall be notice to all parties.

SECTION 5. The provisions of this act shall not apply to any action or case that has been filed or is pending on the effective date of this act.

SECTION 6. This act shall take effect upon becoming law, the public welfare requiring it.

Passed: May 17, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 5th day of June 2006


PHIL BREDESEN, GOVERNOR